

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Cutitta *et al.*

**Application No.** 10/571,012

**Filed:** March 8, 2006

**Confirmation No.** 4600

**For:** NON PEPTIDE AGONISTS AND  
ANTAGONISTS OF ADRENOMEDULLIN  
AND GASTRIC RELEASING PEPTIDE

**FILED VIA EFS**

**Examiner:** Anna Pagonakis

**Art Unit:** 1614

**Attorney Reference No.** 4239-82094-06

COMMISSIONER FOR PATENTS  
FILED VIA EFS

**INTERVIEW SUMMARY**

**AND REQUEST FOR REPLACEMENT RESTRICTION REQUIREMENT**

Applicants provide the following summary of the telephonic communications between the Patent and Trademark Office and Applicants' representatives regarding the Restriction Requirement dated October 1, 2008. The absolute deadline for responding to that action is **April 1, 2009**.

On or around November 13, 2008, this file was transferred to Applicants' current representatives. Upon review of the pending Restriction Requirement, Applicants' undersigned representative (Dr. Tanya Harding) noted that the wrong claim set was examined in the Restriction Requirement. On November 19, 2008, Dr. Tanya Harding spoke with Examiner Anna Pagonakis regarding the withdrawal of the pending Restriction Requirement due to its issuance against the incorrect claim set. The Examiner agreed to withdraw the pending action and issue a new Restriction Requirement using the correct claim set.

On December 4 and 12, 2008, Applicants' representative Dr. Michael Hammer left voicemail messages for Examiner Pagonakis, inquiring about the status of the new Restriction

Requirement. On December 15, 2008, Examiner Pagonakis responded with a voicemail message, stating that the new Restriction Requirement would be forthcoming.

On January 23, 2009, in response to a follow up voicemail message left by Dr. Hammer, Examiner Pagonakis left another message for Dr. Hammer, stating that the new Restriction Requirement would be forthcoming and that the Office would call after it was mailed.

On February 20, 2009, Dr. Hammer spoke with Supervising Examiner Ardin Marschel regarding the status of the application. Supervising Examiner Marschel indicated that the pending Restriction Requirement would be withdrawn and a new Restriction Requirement issued. Dr. Hammer expressed Applicants' increasing concern about the approaching final response deadline of **April 1, 2009**.

On March 4, 2009, Dr. Hammer left another voicemail message for Examiner Pagonakis, to inquire about the status of the application and express Applicants' concern that the application not be abandoned. On that same day, Dr. Harding left voicemail messages with both Examiner Pagonakis and Supervising Examiner Marschel, reiterating Applicants' concerns.

On March 5, 2009, Examiner Pagonakis left a voicemail message for Dr. Hammer, stating that the new Restriction Requirement was being reviewed by Supervising Examiner Marschel and that the time for response would be reset once it is issued. Dr. Hammer returned the call and left a message thanking the Examiner but also explaining that Applicants' concerns will not be allayed until there is official notification that the time for response has been reset. That same day, Supervising Examiner Marschel spoke with Dr. Harding, and said that the new Restriction Requirement had been reviewed and that it would be mailed within a few days.

On March 12, 2009, Dr. Hammer left voicemail messages with both Examiner Pagonakis and Supervising Examiner Marschel to inquire about the status of the application and to convey Applicants' intention to provide this summary. Supervising Examiner Marschel responded on March 16, 2009, stating that the new Restriction Requirement would be issued within a few days.

As of the submission of this document, Private PAIR does not reflect that a new Restriction Requirement has been issued. In addition, Applicants' representatives have not received a copy by mail.

By this filing, Applicants expressly request that the Office issue a replacement Restriction Requirement based on the pending claims. In the alternative, Applicants request that the Office provide a written statement indicating that the pending action is being withdrawn and that a new action will be issued.

Applicants do not intend this application to become abandoned; they are relying on the statements of the Examiners in this case that a new action will issue. Thus, Applicants will not submit a written reply to the now-pending Restriction Requirement (mailed October 1, 2008). It is believed that no further action is required on Applicants' part at this time.

If any questions remain, or if the Office believes that additional action is required on Applicants' part in order to move this case forward, please telephone the undersigned immediately.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By /Tanya M. Harding/  
Tanya M. Harding, Ph.D.  
Registration No. 42,630